



JPW

PATENT
Customer No. 22,852
Attorney Docket No. 07579-0005.06000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Graham Edmund KELLY) Group Art Unit: 1623
)
Application No.: 10/799,022) Examiner: Devesh KHARE
)
Filed: March 11, 2004)
)
For: METHODS OF CHOLESTEROL) Confirmation No.: 7571
REDUCTION USING)
ISOFLAVONES)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Miscellaneous Communication

Applicant wishes to thank the Examiner for speaking with Applicant's representative on October 6, 2005. During the telephone interview, Examiner indicated that he had not initiated prosecution of this application due to the litigation involving two related patents. The Examiner explained that he would not issue a first Office Action until Applicant confirmed in writing that the litigation has settled and no appeals are pending.

Applicant hereby confirms that the litigation the Examiner refers to—*Solae, LLC v. Archer Daniels Midland Co. and Amerifit Nutrition, Inc.*—has settled and that no appeals are pending. Applicant directs the Examiner's attention to the Joint Stipulation of Dismissal for Civil Case No. 4:03CV00732 HEA, which was submitted with the Applicant's filing on June 2, 2005, and is resubmitted herein. (Applicant notes that the Updated Notice Regarding Related Litigation, which includes the Joint Stipulation of Dismissal, is improperly scanned in the PTO's

Image File Wrapper for this application. The Notice can be found on pages 10-12 of the image corresponding to the Supplemental Information Disclosure Statement filed June 2, 2005.) Given the settlement, no appeals are pending in this litigation. As such, Applicant respectfully requests that the Examiner proceed with issuing the first Office Action in this matter.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 11, 2005

By: Jean B. Fordis
Jean B. Fordis
Reg. No. 32,984



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SOLAE, LLC,)
)
Plaintiff/Counterclaim Defendant,)
)
vs.) Case No. 4:03CV00732 HEA
) (consolidated with 4:03CV01595HEA)
ARCHER DANIELS MIDLAND COMPANY)
and AMERIFIT NUTRITION, INC.)
)
Defendants/Counterclaim Plaintiffs.)

JOINT STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Plaintiff Solae, LLC (“Solae”) and Defendants Archer Daniels Midland Company (“ADM”) and Amerifit Nutrition, Inc. (“Amerifit”), by and through their undersigned counsel, hereby stipulate to the dismissal with prejudice of all claims and counterclaims in the above-styled action, including Solae’s claims against ADM and Amerifit, ADM’s counterclaims against Solae, and Amerifit’s counterclaims against Solae. Each party will bear its own attorneys’ fees and costs.

Respectfully submitted this 14th day of February, 2005.

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